

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
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COMMISSIONER OF PATENTS AND TRADEMARKS,
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ON June 3, 1996

Rupert B. Hurley Jr.

Rupert B. Hurley Jr.
Registration No. 29,313



June 3, 1996
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Childress et al

Examiner: Tran

Serial No.: 08/354,177

Group Art Unit: 1302

Filed: December 12, 1994

Docket: 41933

For: PATCH BAG COMPRISING HOMOGENEOUS ETHYLENE/ALPHA-OLEFIN COPOLYMER

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE
MAILING DATE OF EITHER A FINAL ACTION OR NOTICE
OF ALLOWANCE (37 CFR 1.97(c))**

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first office action on the merits, whichever event occurred last but before the mailing date of either:

1. a final action under §1.113 or
2. a notice of allowance under §1.311,

whichever occurs first.

Accompanying this transmittal is either:

- a. a certification as specified in 37 CFR 1.97(e)

or

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b. the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under §1.97(c).
(\$200.00)

Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under §1.97(c).

Please charge Deposit Account No. 07-1765 in the amount of \$200.00.

If any additional fees are due, please charge Deposit Account No. 07-1765.

Respectfully submitted,



Rupert B. Hurley Jr.
Attorney for Applicant
Registration No. 29,313

W.R. Grace & Co.-Conn.
Post Office Box 464
Duncan, S.C. 29334
(803) 433-3247

June 3, 1996
DATE

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08/354,177
GROUP 1302

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR §1.56 and in accordance with 37 CFR §1.97 et. seq., Applicant, through and by his attorneys, hereby directs the Examiner's attention to the documents enclosed.

A filled in form listing all of the enclosed documents is presented herewith for the Examiner's review and convenience. Copies of the listed documents are enclosed.

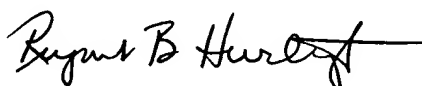
In addition, Applicant(s) direct the Examiner's attention to U.S.S.N. 08/050,942 to Williams et al, filed April 21, 1993 and copending U.S.S.N. 08/268,087 to Stockley, et al, filed June 28, 1994. Applicant(s) also direct the Examiner's attention to the various art cited in the Information Disclosure Statement(s) filed by Applicant(s) in each of these copending applications, as well as the art referred to in the attached Appendix A.

By inclusion of any given document in this Information Disclosure Statement, Applicant in no way admits that such document is effective as prior art against the above-identified application under either 35 USC §102 or 35 USC §103.

The Examiner is requested to independently review each cited reference for its relevance to the present case.

Please charge any additional fees which may be due to Grace Deposit Account No. 07-1765.

Respectfully submitted,



Rupert B. Hurley Jr.
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Registration No. 29,313

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APPENDIX A

Applicant directs the Examiner's attention to the attached RD&E Development Order Form, bearing a "Ship Date Assigned" of April 10, 1990, and a document entitled "Duncan Customer Service", bearing an "Ordered Date" of April 10, 1990. These two documents pertain to the sale of a film product from Applicant's assignee, W.R. Grace & Co. - CONN, to H.E. Butt Grocery Co. in San Antonio, Texas. The documents describe an event which involved the sale of about 1800 pounds of a multilayer barrier film containing a linear homogeneous ethylene/alpha-olefin copolymer in the seal layer.

The seal layer comprised the linear homogeneous ethylene/alpha-olefin copolymer in an amount of about 95 weight percent, based on the weight of the seal layer. The seal layer further comprised about 5 weight percent of an antiblock masterbatch, which comprised low density polyethylene in an amount of about 90 weight percent, based on the weight of the masterbatch.

The homogeneous ethylene/alpha-olefin copolymer was obtained from the Exxon Chemical Company, of Baytown Texas, and was identified as SLP-1-288 resin, a polymeric resin which, based on information and belief, comprised a linear polymer produced via metallocene-catalysis and which had a density of about 0.912 and a melt index of 3.5-4.5.

The barrier layer of the multilayer film comprised ethylene/vinyl alcohol copolymer, commonly referred to as "EVOH". The multilayer film also contained layers which comprised ethylene/vinyl acetate copolymer, and an outer abuse layer comprising high density polyethylene. Several of the film layers comprised ionomeric polymer, more specifically, sodium neutralized methacrylic acid. The multilayer film also contained a plurality of adhesive layers which contained anhydride-modified linear low density polyethylene.

The film had a thickness of about 6 mils, and is believed to have been used by the customer to package products using a vacuum skin packaging operation, which includes a thermoforming step. Following the packaging of certain meat products, the resulting packaged product was supposedly cooked in the package, i.e., underwent "cook-in".

Applicant requests that the above-described information be considered in the examination of the instant application, and that in the next Office Action the Examiner provide written acknowledgement of his/her review and consideration of the above two documents, together with this Appendix to the Information Disclosure Statement.